

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANWAR RANDLE,

Plaintiff,

v.

RON VITALE, et al.,

Defendants.

Case No. 09-cv-535-DRH

MEMORANDUM & ORDER

HERNDON, Chief Judge:



This matter comes before the Court on a Motion for Summary Judgment and supporting memorandum of law (Docs. 18 & 19), filed by defendant Dr. Venerio Santos. On September 1, 2010, the Court issued a Rule 56 Notice (Doc. 21), informing Plaintiff that a failure to timely respond to the summary judgment motion may result in the dismissal of his case with prejudice in favor of the movant, defendant Dr. Santos. Specifically, the Court explained to Plaintiff that any factual assertion made in the summary judgment motion will be taken as true by the Court unless Plaintiff submits his own affidavits or other documentary evidence contradicting the assertion.¹ In other words, Plaintiff cannot merely rely upon the

¹ See also Southern District Local Rule 7.1(c), which states that “[f]ailure to timely file a response to a motion may, in the Court’s discretion, be considered an admission of the merits of the motion.”

allegations of his Complaint to survive the Motion for Summary Judgment. **See, e.g., *Bryant v. Madigan*, 84 F.3d 246, 248 (7th Cir. 1996).** The Court allowed Plaintiff additional time until October 4, 2010 to file his response. Several weeks have since passed from the filing deadline and Plaintiff has not filed a response. Therefore, the Court hereby **GRANTS** the Motion for Summary Judgment (Doc. 18) filed by defendant Dr. Venerio Santos. As such, the Court hereby enters summary judgment in favor of defendant Santos and against Plaintiff. Plaintiff's claims in this matter against defendant Santos are **DISMISSED WITH PREJUDICE**. Further, the hearing on Defendant's Motion for Summary Judgment, set for January 6, 2011 at 1:30 p.m. (see Doc. 20) is hereby **CANCELLED**.

IT IS SO ORDERED.

Signed this 19th day of October, 2010.

  David R. Herndon
2010.10.19 13:02:07
-05'00'

Chief Judge
United States District Court